

**Minutes of Special and Regular Meeting of March 11, 2014
One Twin Pines Lane, Belmont**

CLOSED SESSION: 7:04 P.M.

- A. Conference with Legal Counsel: Existing Litigation per Government Code Section 54956.9(d)(1), Two Cases: Baka v. City of Belmont, San Mateo Superior Court No. CIV 523248; Vinarskiy v. City of Belmont, San Mateo Superior Court No. CIV 527021

Attended by: Councilmembers Braunstein, Stone, Lieberman, Councilmember Reed was absent.
Staff Present: City Manager Scoles, City Attorney Rennie, and Finance Director Fil. Deputy City Clerk Plut was excused from attending.

ADJOURNMENT at this time being 7:30 P.M.

**Jozi Plut
Deputy City Clerk**

REGULAR MEETING

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Braunstein, Stone, Lieberman

COUNCILMEMBERS ABSENT: Reed

STAFF PRESENT: City Manager Scoles, City Attorney Rennie, Finance Director Fil, Community Development Director de Melo, Community Development Senior Planner DiDonato, Human Resources Director Dino, Public Works Director Oskoui, Police Chief DeSmidt, City Treasurer Violet, Deputy City Clerk Plut

PLEDGE OF ALLEGIANCE

Led by City Treasurer Violet

REPORT FROM CLOSED SESSION

City Attorney Rennie stated that there is no reportable action.

SPECIAL PRESENTATIONS

Proclamation Declaring March as Red Cross Month

Mayor Lieberman presented a Proclamation declaring March as Red Cross Month.

Proclamation In Appreciation For Public Service By Outgoing Planning Commissioner Gladwyn d'Souza

Mayor Lieberman presented a proclamation to Gladwyn d'Souza, outgoing Planning Commissioner in appreciation for his public service.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Carrie Wilson, **Linda Allert**, and **Michelle Combs**, Belmont residents, spoke regarding rent control.

Mary Morrissey Parden, Belmont Chamber of Commerce requested that the Council continues to provide low and moderate housing opportunities in Belmont. She explained that the Chamber is “going green” and urged other business to use electronic media for outreach. She announced that Chamber of Commerce would be hosting the State of the City address by Mayor Lieberman.

Karin Hold, Belmont Planning Commissioner, questioned the validity of the Ralston Corridor Traffic Study. She explained that it does not take into account the behavior of drivers.

Perry Kennan, commented regarding City Council meetings on Channel 27.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Lieberman reminded Councilmembers and Commissioners that the California Form 700 Statement of Economic Interest is due by April 1, 2014. He expressed his gratitude to Councilmember Stone for outreach to the public on Social Media. He announced the upcoming State of the City address. He stated that the Belmont Little League recently held its Opening Ceremonies.

COMMENTS REGARDING CONSENT CALENDAR

Perry Kennan, Belmont resident, requested more information regarding the Consent Calendar item related to the Clear Channel lease for the electronic billboard. City Manager Scoles clarified that at this time staff is requesting authority from Council to proceed with the project.

Councilmember Braunstein requested and received clarification regarding the Consent Calendar items related to Monthly Financial Reports and the RIMS System for the Police Department.

ITEMS APPROVED ON THE CONSENT CALENDAR

Minutes of Special and Regular City Council Meeting of February 11, 2014

Motion to Receive Monthly Financial Reports

Resolution 2014-035 of the City Council Authorizing the Purchase of the Citizen RIMS Public Access Module for the Police CAD/RMS System from Sun Ridge Systems for an Amount not to Exceed \$8,485

Resolution 2014-036 of the City Council Authorizing Payment of 2014-2015 Maintenance & Support Charge for the Police Department On-Line Reporting System to Coplogic Inc. in an Amount not to Exceed \$5,250

Resolution 2014-037 of the City Council Authorizing Payment of the 2013-2014 Annual Renewal Charge for the Police Department Emergency Notification System to Rapid Notify, Inc. in an Amount Not to Exceed \$6,500

Resolution 2014-038 of the City Council Authorizing Payment of 2014-2015 Maintenance &

Support Charge for the Police Department Live Scan Fingerprint System to MorphoTrust USA in an Amount not to Exceed \$5,700

Resolution 2014-039 of the City Council authorizing the City Manager to Renew the Contract for Community Mediation Services with the Peninsula Conflict Resolution Center in an amount not to exceed \$9,000 for three years beginning with fiscal year 2013-2014

Resolution 2014-040 of the City Council Authorizing the City Manager to Enter into an Agreement with United Stormwater, Inc. for an Amount not to Exceed \$9,961 and an Additional 10% Contingency for the Full Trash Capture Device Installation Project, City Contract Number 2014-523

Resolution 2014-041 of the City Council Authorizing the City Manager to Negotiate Proposed Lease Terms Between the City of Belmont and Clear Channel Outdoor ("CCO") to Permit Installation of a Digital Billboard on City-Owned Property of Shoreway Road (Assessor's Parcel Numbers 040-317-130 & 140) and Authorizing CCO to Submit any Required Entitlement or Permit Applications

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Stone, the Consent Agenda was unanimously approved (3-0, Reed absent).

HEARINGS

Public Hearing of the City Council to Consider Appeal of Planning Commission Decision to Deny a Variance and Single Family Design Review on a Vacant Lot Adjacent to 1706 Valley View

Community Development Senior Planner DiDonato stated that the project was denied by the Planning Commission due to a tie vote which becomes an effective denial of the project. He provided a background on the project. He noted that the applicant provided all the required reports related to the project which were reviewed by the appropriate professionals, and were approved or conditionally approved. He stated that the appeal has merit as all Variance and Single Family Design Review findings can be affirmed. He stated that staff recommends that the Council adopt the Resolution to uphold the appeal reversing the Planning Commission decision.

In response to Councilmember Stone, Community Development Senior Planner DiDonato clarified that there is a conflict between grading and bulk reduction particularly for an up sloping lot, and the applicant is encouraged to dig into the slop of the lot to avoid building bulk on the side of a hill.

Discussion ensued regarding the conditions of approval.

Community Development Senior Planner DiDonato clarified that the applicant was not asking for a variance for the square footage of the structure. He noted that the area allows for a sliding scale for the floor area of a home based on the size and slope of the lot.

Mayor Lieberman opened the Public Hearing.

Tran, Belmont resident, stated that she does not support the project. She expressed concerns regarding the impact on the streets due to the hauling.

Bob Bernstein, Belmont resident, expressed concerns regarding the impact to surrounding homes of hauling the dirt.

Kristen Mercer, Belmont Planning Commissioner, stated that the Planning Commission did not make a motion to deny the project. She clarified that the project was continued for modifications. She stated that she did not agree with the language in the City Council Resolution which stated that the Planning Commission abused its discretion in denying the application. She stated that the Commission was abiding by the City Ordinance in making its decision.

Kevin Bodner, Belmont resident, stated that he concurs with the comments made by Planning Commissioner Mercer. He requested that the Council uphold the Planning Commission's continuation of the project.

Perry Kennan, Belmont resident, requested more detailed minutes of the Planning Commission meeting regarding this project. He requested a PCI (Pavement Condition Index) report on the City's roads.

Gladwyn d'Souza, Belmont resident, commented on the PCI measurements for city streets. He stated that he does not support the project.

Steven Kessler, Belmont resident, commented on the effects of three-point turns that cars often make on the neighboring driveways. He recommended that driveways not be used to turn the large trucks hauling dirt from the site.

Phillip Walters, Co-owner of the project property, pledged to minimize the impact to the neighborhood. He noted that they have done their due diligence to conform to the City's guidelines.

ACTION: On a motion made by Councilmember Stone and seconded by Councilmember Braunstein, the Public Hearing Upholding An Appeal And Approving Single Family Design Review For A Vacant Lot Adjacent To 1706 Valley View Drive (APN: 044-072-130) was closed.

In response to Councilmember Stone, City Attorney Rennie clarified the 3-3 action by the Commission was a denial. The applicant has the right to appeal the project to the City Council. He noted that the Council is reviewing the project independently from the Planning Commission decision and does not have to make the finding that the Commission used abuse of discretion to deny the project. He noted that the language can be removed from the resolution.

Councilmember Stone stated the home conforms to the City's building requirements and guidelines. He noted that the project has been modeled to have an aesthetically pleasing look, and he pointed out that the property will generate more tax revenues for the City.

In response to Councilmember questions, Community Development Director DeMelo stated that a

number of significant conditions of approval are levied to construction to address the impacts of a project to surrounding structures. He noted that two geotechnical reports confirmed that building the structure in the proposed location is feasible and will not cause a public safety issue. He also noted that the City would hold a pre-construction meeting with the applicant and contractor, and will monitor construction activities for the duration of the project.

Councilmember Stone requested that the language stating that the Planning Commission abused its discretion be removed from the resolution upholding the appeal.

ACTION: On a motion made by Councilmember Braunstein and seconded by Councilmember Stone Resolution 20114-042 Upholding An Appeal And Approving Single Family Design Review For A Vacant Lot Adjacent To 1706 Valley View Drive (APN: 044-072-130) with the amendment to the language of the resolution as it relates to the Planning Commission abusing its discretion was unanimously approved, as amended (3-0, Reed absent)

ITEMS TAKEN OUT OF ORDER

OTHER BUSINESS

Consider Request from Merry Moppet School/Belmont Oaks Academy to Acquire a Portion of Merry Moppet Lane

Community Development Director De Melo provided a background on the request by Merry Moppet School/Belmont Oaks Academy to acquire a portion of Merry Moppet Lane. He outlined alternatives, including selling a portion of the property to the school, abandoning the right-of-way, or leasing a portion of the road to the school.

City Attorney Rennie clarified that if the City were to vacate the property, the ownership of the property reverts to the City. He noted that the school is asking for a determination that Merry Moppet Lane is not needed for traffic purposes, and if the City is willing to sell all or a portion of its vacated property.

Discussion ensued regarding surrounding property as it relates to Merry Moppet Lane.

Joanna Reams, Director of Finance, Merry Moppet School, explained that the school is making this request of the City in order to take ownership of the property and make and maintain the needed improvements to the street. She noted that the deterioration of the street is becoming a hazard. She noted that should the school acquire the land, the school's property value will increase as well as its property taxes, which will benefit the City.

Mary Morrissey Parden, Belmont Chamber of Commerce, expressed support for the request made from Merry Moppet School/Belmont Oaks Academy to acquire a portion of Merry Moppet Lane.

Perry Kennan, Belmont resident, requested clarification of the portion and the amount square

footage of land that is in question.

Discussion ensued.

City Attorney Rennie clarified that a right-of-way analysis would be required before staff can begin to formulate a recommendation for Council to consider.

Council concurred to direct staff for more information, and to have further discussion on the proposal.

Patrick Clark, property owner, requested that the project be expedited.

Public Hearing of the City Council Adopting a Resolution Approving the Third Amendment to the Old County Road Utility Undergrounding District Boundary (Rule 20A Undergrounding Utilities Conversion)

Public Works Director Oskoui, described Rule 20A which requires PG&E to annually set aside funds for financing the under grounding of overhead distribution facilities located on public streets and roads. He noted that City Code authorizes the designation of areas within all existing overhead utilities and equipment which can be removed and undergrounded. He noted that the project was put on hold due to the High Speed Rail proposal and its effect on undergrounding. He stated that PG&E has identified some additional properties that need to be undergrounded. The undergrounding map is proposed to be amended to include those additional properties.

RECESS: 10:20 P.M.

RECONVENE: 10:23 P.M.

Public Works Director Oskoui explained that the estimated undergrounding cost is approximately \$8 million. He noted that the allocated credit to the City is \$5,177,105 includes a negotiated transfer of \$1.7 million Rule 20A funds from the City if Foster City.

Mayor Lieberman opened the public hearing.

George Stergen, 770 Old County Road, commented on the pavement condition on Old County Road.

ACTION: On a motion made by Councilmember Stone, seconded by Mayor Lieberman, the public hearing was closed (3-0, Reed absent).

ACTION: On a motion made by Councilmember Stone and seconded by Mayor Lieberman Resolution 201-043 Approving the Third Amendment to the Old County Road Utility Undergrounding District Boundary (Rule 20A Undergrounding Utilities Conversion) was unanimously approved (3-0, Reed Absent)

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Mayor Lieberman, explained that NDNU (Notre Dame de Namur) will be hosting a Presidents Gala and requested that Council place a congratulatory advertisement in the event program in an amount not to exceed \$500.

Council concurred.

Verbal Report from City Manager

City Manager Scoles stated that two applications for the vacant City Council position have been received. He noted that the closing period is Friday March 14, at noon. He stated that the Parks and Recreation Staff installed six new bike racks at the Sports Complex. He noted that the recent Council of Cities event hosted by the City of Belmont was a success. He reminded the Council of the upcoming Mayor's State of the City sponsored by the Chamber of Commerce.

ADJOURNMENT at this time, being 10:30 P.M.

**Jozi Plut
Deputy City Clerk**

Meeting audio-recorded and videotaped